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ORIGINAL: ENGLISH

LETTER DATED 27 JUNE 1995 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present herewith a letter dated 26 June 1995 from my Minister for Foreign Affairs addressed to you (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires, a.i.

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Annex

Letter dated 26 June 1995 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

I ask the members of the Security Council to excuse my personification of recent events, but it may be useful to do so in order to give some perspective to the situation.

Since I entered Sarajevo on Thursday evening, 24 civilians have been murdered in Sarajevo, and, of course, the existence of those that survive is most marginalized.

Yesterday, five children were murdered by the shelling of the Karadzic Serbs. The names of the victims and the years of their birth were Ljiljana Janjic (1983), Sibela Zimic (1985), Nihad Efica (1979), Adnan Krzilo (1982) and Amina Pajevic. A further 18 civilians, including 7 children, were wounded just yesterday. Today, at least 2 more civilians were murdered and an undetermined number were wounded. I still do not have the names of those murdered today, but it is important to accept that each number has a name and life associated with it.

I am actually surprised by how intermittent the shelling and sniping is. I first thought it was a sign of restraint, but then the pattern became apparent. There are hours of calm when the population is encouraged to believe that the streets are safe. Then, all of a sudden, a quick succession of mortars is concentrated on one end of town. The civilians all scurry for shelter, except, of course, for the dead and badly wounded.

Slowly over the succeeding few hours, calm once again begins to prevail. Once again civilians come out from under cover, some to carry water, get bread or otherwise attempt to sustain an existence. Children are especially drawn out as they become restless, anxious to play with friends and pass otherwise long hours of no school and little to do. Then, the shells from the hills hit once again, sometimes with no success in finding victims and other times claiming scores of them.

This most brutal game of the prey and the hunter cannot be explained in the context of warfare. The objectives of the patient hunter are not military targets but civilians; more specifically, the terrorization of a civilian population and its town. The terrorist up on the hills is confident that he will always be able to outwait his human prey and draw him out into the open, and he has little fear of a response or justice.

The Secretary-General of the United Nations, in his letter of 23 June 1995 to Mr. Willy Claes, the Secretary-General of the North Atlantic Treaty Organization, has confirmed the theoretical extinguishing of the "exclusion zone". This, and previous communications by Mr. Yasushi Akashi, the Special Representative of the Secretary-General, have also confirmed the irrelevance of the "rapid reaction capability" in addressing the welfare of the civilians of

Sarajevo and of the Republic of Bosnia and Herzegovina. I believe that we all understand the natural conclusions to be drawn from this set of facts, whose consequences are so evident on the ground here in Sarajevo.

And please, let us not debate about the failures of peace-keeping while war persists or the need to preserve the integrity of the United Nations and its principles. It is terrorism targeting civilians that is the root cause of the failures, and neither the United Nations nor international law can be sustained if terrorism is allowed to persist, especially under the label of "war between two parties".

(Signed) Muhamed SACIRBEY
Minister for Foreign Affairs

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LETTER DATED 27 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a copy of a letter addressed to you by Mr. Abdellatif Filali, Prime Minister and Minister for Foreign Affairs and Cooperation, concerning the decision of the other party to suspend its participation in the identification operation (see annex). I should be grateful if you would arrange to have this letter and its annex circulated as a document of the Security Council.

(Signed) Ahmed SNOUSSI
Ambassador
Permanent Representative

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Annex

Letter dated 26 June 1995 from the Prime Minister and Minister for Foreign Affairs and Cooperation of Morocco addressed to the President of the Security Council

The Kingdom of Morocco sincerely believed that the conclusions and recommendations of the Security Council mission, together with the various measures taken by the Council, would give new impetus to the implementation of the settlement plan.

Unfortunately, the decision by the other party to suspend its participation in the identification operation and the threats of resumed hostilities have dashed all the hopes raised by the mission and the efforts of the Security Council.

This unilateral decision only confirms the statement made to the members of the Security Council mission and reflected in the oral report presented to the Council in informal consultations that the other party was planning to withdraw from the process for settling the Saharan question.

On this occasion, the Kingdom of Morocco would like to recall that it has agreed to considerable sacrifices and made numerous concessions to facilitate the work of the Secretary-General, who had been induced to take the other party's demands and whims into consideration in order to move the process forward.

Accordingly, the Kingdom of Morocco had accepted the criteria proposed by the Secretary-General after their adoption by the Security Council in its resolution 725 (1991) of 31 December 1991, notwithstanding the serious reservations it had expressed at the time, whereas the other party had rejected them outright, going so far as to accuse the Secretary-General and the United Nations of partiality and connivance.

Moreover, Morocco had subsequently accepted the compromise interpretation and application of the criteria proposed by the Secretary-General to accommodate the other party's position. The other party refused and only reluctantly agreed to do so after the Security Council had described them in its resolution 907 (1994) of 29 March 1994 as constituting a sound framework for determining eligibility for participation in the referendum.

Contrary to this agreement, the other party instructed its sheikhs to systematically oppose almost any request by persons applying for identification on the basis of criteria 4 and 5 at the very same time it agreed to apply those criteria to Bachir Sayed and even to the head of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO), who signed the letter addressed to you.

The other party thus persists in falsifying an eternal truth, which holds that any person who submits an application is nothing more than an applicant until the Identification Commission reaches a decision (and this holds true for

all applicants residing outside the Territory who have been registered but not identified).

Consequently, the other party cannot take the place of the Identification Commission by decreeing who is Saharan and who is not before the Commission has reached a decision on the basis of the established criteria.

The other party having concluded that the process would clearly show that it accounted for only a small minority of the Saharan population, it decided to take advantage of the ministerial meeting of the Organization of African Unity (OAU) to cry injustice, claiming that the United Nations was incapable of ensuring the objectivity and neutrality of the operation.

This obstructionist attitude is diametrically opposed to the fundamental principle enunciated at the meeting of tribal chiefs in June 1990 at Geneva, which holds that no Saharan may be prevented from applying to the Identification Commission.

It is thus clearly established that the other party is displaying bad faith and is trying by any means to deprive the majority of Saharans, both those who are resident in the Territory and those who are not, of their legitimate right to participate in the referendum.

The Kingdom of Morocco has thus far reacted with calm and moderation to the other party's moods and procrastination, but today it can rightly say that the other party has tried from the very start to ascribe to itself the right to express the will of the Saharan people, imposing the minority view on the majority, by means we no longer consider appropriate.

Morocco, which has agreed to entrust the organization of the referendum to the United Nations, can no longer stand to see the other party claim for itself the right to veto this operation without any damage to its credibility or prestige.

In fact, Morocco can no longer agree to let a minority impose its dictates on a United Nations operation, to halt the process when it feels like it and to resume it when it suits it to do so.

Morocco has repeatedly told the Secretary-General and the Security Council that it could not accept an indefinite postponement of the referendum.

Morocco wishes to stress that the other party's decision will have grave consequences which may jeopardize the entire process and have the most serious repercussions, as the Secretary-General noted in his report of 19 May 1995 (S/1995/404, para. 36).

Accordingly, Morocco calls upon the Security Council to take all necessary steps to ensure the resumption of the process with a view to holding the referendum on schedule.

This being the case, and in accordance with the recommendation contained in paragraph 46 of the report of the Security Council mission (S/1995/498), Morocco

has already transmitted to the United Nations Mission for the Referendum in Western Sahara (MINURSO) the diskette containing the names of applicants residing outside the Territory and is cooperating fully with MINURSO so that they can be identified as quickly as possible.

Morocco also expects that the United Nations will take all necessary steps to ensure that the Saharans residing or sequestered in Tindouf may freely express their will and enter the Territory to participate in the referendum.

The decision of the Frente POLISARIO is all the more serious in that it is likely to undermine the credibility of the Security Council at a time when the whole world is joyfully preparing to celebrate the fiftieth anniversary of the United Nations.

(Signed) Abdellatif FILALI